



Room 301, Hall of Records
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Board of Supervisors Agenda

Chairman

Juan Arambula
3rd District

Vice Chairman

Susan B. Anderson
2nd District

Phil Larson
1st District

Bart Bohn
County Admin. Officer

Judith G. Case
4th District

Phillip S. Cronin
County Counsel

Bob Waterston
5th District

Bernice E. Seidel
Clerk

ACTION SUMMARY MINUTES

TUESDAY

JULY 29, 2003

9:00 A.M.

PLEDGE OF ALLEGIANCE

NOTE: The morning consent agenda has been moved to Item 1. Any agenda item that is pulled from the morning consent agenda for discussion will be set aside until the department can be notified and its representative is in the board room.

1. Morning Consent Agenda – Item Numbers 19 - 57

- (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any Consent Item)
- Items to be removed from Consent for Discussion
- Approval of Morning Consent Agenda
- Discussion/Action on Items removed from Consent Agenda

AnLCWA

APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM NO. 30 WHICH WAS PULLED FOR DISCUSSION

LCWA
An/no

CONTINUED ITEM NO. 30 TO AUGUST 5, 2003

Chairman Arambula

2. Proclaim August 2003 as Child Support Awareness Month

AnCLWA

APPROVED AS RECOMMENDED; ADOPTED RESO NO. 03-365

Supervisor Anderson

3. Proclaim August 2, 2003, as Neighbors in Health Day

AnCLWA

APPROVED AS RECOMMENDED; ADOPTED RESO NO. 03-366

Administrative Office

4. Recognize August 2003 as World Breastfeeding Month

CAnLWA

APPROVED AS RECOMMENDED; ADOPTED RESO NO. 03-367

5. Adopt resolution recognizing successful 2003 Fresno County Employee Campaign for United Way and Combined Health Appeal and those vice-chairs that excelled in their campaign effort

AnCLWA

APPROVED AS RECOMMENDED

6. Approve request by Community Medical Centers for Subordination of Deed of Trust (continued from June 24, 2003) (**REQUEST FOR CONTINUANCE TO OCTOBER**)

LCAAnWA

GRANTED CONTINUANCE

7. Presentation by Caltrans Consultant, VRPA Technologies, Inc., on Phase III San Joaquin Valley Growth Response Study

RECEIVED

8. Receive update on Abandoned Vehicle Abatement Program implementation from Council of Fresno County Governments staff; adopt resolution supporting implementation of Abandoned Vehicle Abatement Program, requesting the establishment of the Fresno County Abandoned Vehicle Abatement Service Authority, approving the Abandoned Vehicle Abatement Plan, and authorizing imposition of a \$1.00 vehicle registration fee; and approve and authorize Chairman to execute Joint Powers Authority Agreement implementing the Abandoned Vehicle Abatement Program (4/5 vote)

LCAAnWA

APPROVED AS RECOMMENDED; DIRECTED STAFF TO REVIEW ORDINANCE AND RETURN TO BOARD WITH RECOMMENDED LANGUAGE CHANGE

9. **Board of Supervisors' Committee Reports** – Receive and provide direction (This item reserved for committee reports by members of the Board of Supervisors)

RECEIVED

10. **Board Appointments:** (List attached in packet and posted on bulletin board outside of Board Chambers)

SQUAW VALLEY CEMETERY DISTRICT

REAPPOINTED ALMA SILER AND BETTY JEAN SIMMONS

WORKFORCE INVESTMENT BOARD

REAPPOINTED D.B. HEUSSER

REAPPOINTED KIRK VOGT

REAPPOINTED ALICE SAVIEZ

LCAAnWA

APPROVED NOMINATIONS FOR REAPPOINTMENTS

11. **Closed Session –**

- a. Conference with legal counsel – Significant Exposure to Litigation
Government Code Section 54956.9(b) – No. of Cases: 1
- b. Public Employee Appointment or Employment – Title: Health Officer
(GC 54957)
- c. Conference with Labor Negotiator (GC 54957.6): Agency Negotiator:
Ralph Jimenez; Employee Organization: All bargaining units and
management and unrepresented employees – hours, wages and terms
and conditions of employment
- d. Pending Litigation Section 54956.9(b) – Sheldon Kessel, et al. v County
of Fresno

HELD

NOON RECESS

2:00 P.M.**12. Afternoon Consent Agenda – Item Numbers 58 - 81**

- (These matters are routine in nature and are usually approved by a single vote. Prior to action by the Board, the public will be given the opportunity to comment on any Consent Item)
- Items to be removed from Consent for Discussion
- Approval of Afternoon Consent Agenda
- Discussion/Action on Items removed from Consent Agenda

CLAnWA

APPROVED AS RECOMMENDED**Administrative Office**

13. Conduct a public protest hearing to consider levying assessment for maintenance of roads benefiting four parcels within proposed Parcel Map No. 7840, Annexation No. 1, to existing Zone “X” of County Service Area 35 located approximately one mile south of Prather east of State Route 168

AnCLWA

APPROVED RECOMMENDED ACTION NOS. 1A AND 2 OF AGENDA ITEM

14. Adopt resolution approving budget for Maintenance District No. 5 and direct staff to include existing assessment on Master Schedule of Fees, Charges, and Recovered Costs for administrative purposes

CAnLWA

APPROVED AS RECOMMENDED

15. Adopt resolution dissolving County Service Area No. 40 and approve transfer of water and sewer infrastructure maintained by County Service Area No. 40 to City of Firebaugh in accordance with conditions of annexation and accompanying Transition Agreement (**requires unanimous vote by Board of Supervisors**) and approve and authorize Chairman to execute agreement for transfer of water and sewer infrastructure and services of County Service Area No. 40 to City of Firebaugh

LCAnWA

APPROVED AS RECOMMENDED

16. Authorize renaming “Blue Hills Hazardous Waste Disposal Site Postclosure Activities” designation in General Fund to “Disposal Site Closure/Postclosure Activities” designation; if approved, adopt budget resolution to appropriate \$3 million of Disposal Site Closure/Postclosure Activities designation for phased closure of Mendota Disposal Site in Capital Projects Org. 1910 (4/5 vote)

AnLCWA

APPROVED AS RECOMMENDED

17. Reject bid submitted by Lewis C. Nelson and Sons, Inc., for Bid Package 1 of the Juvenile Justice Campus, as non-responsive; make a finding that letter of protest submitted by Nussbaum & Associates is without merit; and award Contract No. 2003-S-03, Juvenile Justice Campus, Bid Package 1 to Harris Construction Company, Inc., of Fresno (\$32,126,770). Award will include the Base Bid, Bid Alternate 1 (deductive), Bid Alternate 2 (additive), Bid Alternate 3 (additive) and Bid Alternate 5 (additive and authorize Director of Public Works and Planning to approve Contract Change Orders up to three percent of contract amount

SEE ADDENDUM

18. **Public Presentations** - (This portion of the meeting reserved for persons desiring to address the Board on any matter not on this agenda - Pursuant to Administrative Policy No. 29, presentations are limited to 5 minutes per person and no more than 15 minutes per topic.)

HELD

ADDENDUM TO AGENDA

County Clerk

Adopt resolution increasing the FY 2003-04 County Clerk/Elections Org. 2850 appropriations (\$1,192,000) to finance the October 7, 2003, Statewide Special Election (4/5 vote); authorize development of a pilot County Employee Precinct Officer Program for the Statewide Special Election; and direct Department heads to work with and assist County Clerk by providing temporary use of any resources or service during the Special Election to help reduce the impact to the County General Fund and increase efficiency

Placement on Agenda: **To Follow Item 5**

AnLCWA

APPROVED AS RECOMMENDED

Administrative Office

1. Reject bid submitted by Lewis C. Nelson and Sons, Inc., of Selma, (“Nelson”) for Bid Package 1 of the Juvenile Justice Campus as non-responsive, based on the following findings:
 - A. The irregularities in Nelson’s bid were material and render the bid non-responsive; and
 - B. To the extent that the deviations from bid requirements may be considered immaterial, the Board elects to exercise its discretion by declining to waive the statutory irregularities in Nelson’s bid.
2. Make finding that the non-responsiveness of Nelson’s bid renders moot any requirement for a hearing on its claim of “inadvertent clerical error” regarding several of its subcontractor listings.
3. Make finding that the letter of protest submitted by Nussbaum & Associates is without merit.
4. Waive failure of Harris Construction Company, Inc., to check the box indicating its choice of options for the metal building design alternatives, as immaterial deviation from bidding requirements.
5. Award Contract No. 03-S-03, Juvenile Justice Campus, Bid Package 1, to Harris Construction Company, Inc., 5085 East McKinley Avenue, (“Harris”), (\$32,126,770) [\$30,796,770 base bid plus \$1,330,000 alternates]. The award will include the Base Bid, Bid Alternate 1 (deductive), Bid Alternate 2 (additive), Bid alternate 3 (additive) and Bid Alternate 5 (additive).
6. Authorize Director of Public Works and Planning to approve Contract Change Orders up to three percent of the contract amount (\$963,800).

Clarification of Language for Item 17

AnWLCA

APPROVED AS RECOMMENDED**Sitting as Board of Directors for Waterworks District No. 41**

Accept, on behalf of public, Grant Deed from Little Ridge, L.L.C., conveying 5,698.9 square-foot parcel to Waterworks District No. 41

Placement on Agenda: **To Replace Item 64**

CLAnWA

APPROVED AS RECOMMENDED

LAnCWA

ADJOURNED**NEXT MEETINGS:**

August 5, 2003 – 9:00 A.M.

August 19, 2003 – 9:00 A.M.

Requests for disability-related modification or accommodation needed in order to participate in the meeting must be made to the Clerk to the Board of Supervisors (559) 488-3529 no later than Monday at 9:00 a.m.

MORNING CONSENT AGENDA - Item Numbers 19 - 57

(Any Board Member may pull any consent item for discussion or separate vote)

AnLCWA

APPROVED AS RECOMMENDED WITH THE EXCEPTION OF ITEM NO. 30 WHICH WAS PULLED FOR DISCUSSION

LCWA

CONTINUED ITEM NO. 30 TO AUGUST 5, 2003

An/no

Supervisor Larson

19. Adopt resolution honoring Wesley M. Choy – Eagle Scout

Assessor-Recorder

20. Approve and authorize Chairman to execute a letter of support for Assembly Bill 578 that will allow the Recorder's office to record electronically created real property documents

District Attorney

21. Adopt resolution authorizing District Attorney to submit a grant agreement (\$58,113) for continued funding of the Victim Restitution Program; authorize Chairman to execute grant agreement for the Victim Restitution Program with the California Victim Compensation and Government Claims Board
22. Approve and authorize Chairman to execute agreement with the California Department of Justice for alcohol analysis services (\$110,000)

Sheriff

23. Approve and authorize Chairman to execute Office of Criminal Justice Planning grant application for the Narcotics Enforcement Team for FY 2003-04 (\$924,518)
24. Adopt resolution increasing appropriations and estimated revenue for Sheriff-Grants Org. 31121225 (\$21,495) to purchase computer equipment (4/5 vote)
25. Adopt resolution authorizing the Sheriff's Department to submit grant application, and to execute the grant agreement and any extensions, on behalf of the County of Fresno and the Department of Alcoholic Beverage Control (\$99,078); and adopt resolution increasing appropriations and estimated revenue for Sheriff's Grant Org. 31121392 (\$99,078) for related educational and prevention program activities (4/5 vote)
26. Approve and authorize Chairman to execute agreement with National University to offer approved educational courses associated with a Bachelor of Science program in Criminal Justice Administration and a Master of Science program in Public Administration
27. Retroactive – approve and authorize Chairman to execute agreement with State Office of Criminal Justice Planning for the Marijuana Suppression Grant program for FY 2003-04 (\$250,000)
28. Retroactive – approve and authorize Chairman to execute sole source agreement with Fresno Community Hospital and Medical Center for legal blood draw services (\$25,000 annually)

Administrative Office

29. **Salary Resolution Amendments** (Copy of amendments attached in Supervisors' Agenda Packet, on file with the Clerk to the Board, and posted on the bulletin board outside the Board Chambers)
30. Addenda to Memoranda of Understanding for Representation Units 3, 4, and 12 Regarding Agency Shop

CONTINUED ITEM NO. 30 TO AUGUST 5, 2003

LCWA
An/no

31. Adopt resolution accepting and expressing gratitude for a donation of labor and materials to construct two granite signs for the Mosqueda Branch Library
32. Adopt resolutions accepting and expressing gratitude for donations from the Clovis Rotary Club (\$1,100) and Selma Post 12 American Legion (\$1,000) for deposit to the Library Trust Fund
33. Approve and authorize submission of application to Delta Dental Plan of California for Healthy Families FY 2003-04 Insurance-based Oral Health
34. Authorize submission of application to U.S. Department of Homeland Security for Interoperability Communications demonstration project grant funds
35. Approve and authorize submission of application to the Ezra Jack Keats Foundation for grant funds for a series of literature programs for National Library Week
36. Retroactive – authorize Director of the Department of Child Support Services to execute Paternity Opportunity Program agreements with Central Valley licensed hospitals and clinics
37. Consider and take action on request for determination of public convenience and necessity on application for alcoholic beverage license filed by Robert and Rochelle Sargentini
38. Approve Conflict of Interest Code amendments for Housing Authority; Workforce Investment Corporation; Workforce Investment Board; Fresno Metropolitan Flood Control, Sierra Kings Health Care, James Resource Conservation, Superintendent of Schools/ Board of Education, Sanger Unified School, Selma Unified School and Liberty Water Districts
39. Authorize Chief Probation Officer to submit an on-line grant application (\$250,000) to the Bureau of Justice Assistance of the U.S. Department of Justice, Office of Justice Programs, and as the signing authority to provide information requested for the Sex Offender Management Discretionary Grant Program
40. Authorize Chairman to execute letter of support for continued Federal funding of the State Criminal Alien Assistance Program
41. Approve and authorize Chairman to execute disclosure statement for submission to the Children and Families Commission for Mini-Grant Program funds
42. Retroactive – approve and authorize submission of application to the State Department of Mental Health for Federal Stewart McKinney Projects for Assistance in Transition from Homelessness grant funds

Sitting as the IHSS Public Authority Governing Board:

43. Approve and authorize Chairman to execute agreement with Fresno-Madera Area Agency on Aging

Agreements – Approve and Authorize Chairman to Execute:

44. Lease termination agreements with Janet Kenyon for space leased by the Superior Court in Selma
45. Amendment to lease agreement with Forest and Miriam Tennant to change the terms lease from an annual term to a bi-monthly term
46. Amendment to revenue agreement with the State Department of Health Services, Maternal and Child Health Branch, for Battered Women Shelter Program grant domestic violence prevention funds (\$750,000); and sole source agreement with Judith Gonzalez-Calvo, Ph.D., d.b.a. Evalustats, for evaluation services for Maternal, Child and Adolescent Health programs (\$81,000)
47. Nematode Control Program agreement with the State of California Department of Food and Agriculture (\$420)
48. Agreement for High Risk Pest Exclusion Program with the State of California Department of Food and Agriculture
49. Retroactive – renewal agreement with City of Kingsburg for the provision of ambulance services in Ambulance Zone K (\$28,000)
50. Agreement with Victor Treatment Centers, Inc., for specialized residential mental health treatment services (\$339,450)
51. Retroactive – revenue agreement with State Department of Health Services, Sexually Transmitted Disease Control Branch for Syphilis Elimination (\$90,000); and State Contractor's Release for the final invoice
52. Amendment to agreement with State Department of Health Services, Office of Oral Health for the Children's Dental Disease Prevention Program (\$167,655)
53. Retroactive – agreement with Marjaree Mason Center, Inc., for provision of domestic violence services (\$116,000)
54. Pierce's Disease Control Program agreement with California Department of Food and Agriculture, and to designate the Agricultural Commissioner as the Local Public Entity to manage the program and funds for Pierce's Disease (\$908,860)
55. Retroactive – agreement with Proteus, Inc., for JOBS 2000 Employment Services (\$200,387)
56. Agreement with Fresno Unified School District to implement Express Lane Eligibility Pilot Project (\$125,000)
57. Agreement with State Center Community College District for 2003-04 academic year Federal funded Work/Study Program

AFTERNOON CONSENT AGENDA - Item Numbers 58 - 81

(Any Board Member may pull any consent item for discussion or separate vote)

CLAnWA

APPROVED AS RECOMMENDED

Administrative Office

58. Conduct second hearing on proposed amendments to Titles 9 and 10 of the Ordinance Code modifying the Fresno-Clovis Metropolitan Area No Shooting/Dog Leash Law Area boundary
59. Adopt resolution authorizing a stop sign at the intersection of Huntsman and Englehart Avenues stopping eastbound traffic on Huntsman Avenue
60. Release portion (\$299,700) of Performance and Maintenance Security posted (\$329,700) and retain portion (\$30,000) to guarantee maintenance and repair of improvements associated with surface water treatment plant and related facilities for Tract No. 4048 (Brighton Crest) for additional period of two years
61. Adopt resolution approving the summary vacation of utility easements reserved in previously abandoned Brawley Avenue
62. Adopt resolution approving summary vacation of portion of Golden State Boulevard frontage road north of Central Avenue and west of Chestnut Avenue, Vacation Application No. V03-02; resolution declaring surplus and authorizing sale of real property; and authorize Chairman to execute deeds for County-owned vacated road right-of-way on Golden State Boulevard frontage road (\$7,548) to Wunsch Investment Partners and (\$7,148) to Sher S. Sohal and Narinder S. Sahota
63. Approve amended bylaws for Granite Ridge Citizens' Advisory Council serving County Service Area No. 35-O (4/5 vote)
64. Accept, on behalf of public, Grant Deed from Little Ridge, L.L.C., conveying 5,698.9 square-foot parcel to Waterworks District No. 41
65. Adopt proposed Mitigated Negative Declaration prepared for Initial Study Application No. 4782 for barrier rail replacement project on Fancher Creek Bridge on Shields Avenue, and authorize proceeding with the final design for the Fancher Creek Bridge barrier rail replacement project
66. Approve Right-of-Way Contract Amendment authorizing additional payment to Alma Marie Bertram for landscaping and fencing removed during road construction (\$1,500)
67. Adopt plans and specifications for Contract No. 03-06-C, Kings River Bridge on Goodfellow Avenue Scour Mitigation, and authorize Director of Public Works and Planning to advertise for bids and set bid opening

Agreements – Approve and Authorize Chairman to Execute:

68. Agreement with California Department of Transportation to exchange \$268,108 of Federal funds for equal amount non-Federal funds from State Highway Account for 2003 and claim \$100,000 of State Match Program funds for 2003

69. Agreement with City of Parlier for Parlier Citywide Street, Sidewalk, Curb and Gutter Improvements, Community Development Block Grant Project No. 03067 (\$93,748)
70. Agreement with City of Parlier for Parlier “H” Street Improvements, Community Development Block Grant Project No. 03946 (\$103,854)
71. Agreement with City of Reedley for Reedley 11th Street/East Avenue Neighborhood Improvements, Community Development Block Grant Project No. 03076 (\$367,970)
72. Agreement with City of Selma for Selma W. Front St. Drainage and Street Improvements, Phase III, Community Development Block Grant Project No. 03776 (\$317,330)
73. Multi-project Agreement with City of Clovis for Clovis Old Town Sidewalk Ramps Improvements No. 03084, and Clovis San Gabriel Park ADA Upgrades, Phase II No. 03955, Community Development Block Grant Projects (\$94,725)
74. Agreement with City of Clovis for the Clovis Housing Rehabilitation Improvements, Community Development Block Grant Project No. 03724 (\$100,000)
75. Multi-project Agreement with City of Clovis for the Pollasky/Woodworth Alley Reconstruction, Community Development Block Grant Projects Nos. 03085, 03082 and 03083 (\$176,925)
76. Agreement with City of Clovis for Clovis Property Acquisition for Affordable Housing, Community Development Block Grant Project No. 03725 (\$100,000)
77. Amendment to Multi-project Agreement with City of Sanger for Sanger Cesar Chavez Park Landscaping Improvements, Project No. 02064, to increase Community Development Block Grant funds (\$100,000 to \$135,000)
78. Amendment to amended Joint Powers Agreement to add City of Mendota as participating partner city in Urban County Entitlement Program for Community Development Block Grant and HOME Investment Partnerships Programs for remaining 2004-06 program years
79. Agreement with City of Sanger for Sanger JFK Park Construction, Community Development Block Grant Project No. 03065 (\$340,000) and amend FY 2003-04 Community Development Block Grant Program Action Plan to delete Sanger Olive Avenue Reconstruction – Annadale to Edgar Avenue, Project No. 03087
80. Agreement with Riverdale Memorial District for safety and security doors, Community Development Block Grant Project No. 03090 (\$56,250)
81. Retroactive – memorandum of Understanding with Fresno County Employees’ Retirement Association for County to provide project management services for construction of new Fresno County Employees’ Retirement Association office